

Presentation to the Wichita Airport Authority Board

April 24, 2012

**AN ORDINANCE CREATING CHAPTER 9.35
PERTAINING TO AIRPORTS, AND REPEALING
CHAPTERS 9.20 AND 9.22 OF THE CODE OF THE
CITY OF WICHITA**



Why repeal Chapter 9.20 of the Code of the City of Wichita?

As one example, Section 9.20.70 is a current City Code. Is there anything curious about this section of City code?

“Sec. 9.20.070. - Same—To be licensed by **civil aeronautics authority**; exceptions.

It shall be unlawful for any person at any time to fly over the city, or the municipal airport any aircraft not licensed by the **civil aeronautics authority**; provided, however, that this section shall not apply to Army, Navy or Air Force aircraft operated by Army, Navy, Air Force or Marine personnel or aircraft manufactured for the government and operated by Army, Navy, Air Force or Marine personnel or duly authorized manufacturers' personnel.”

- The Civil Aeronautics Authority (CAA) ceased to exist in **1958** as a result of its functions being transferred to the Federal Aviation Agency
- There are many other examples of why Section 9.20 is no longer relevant and applicable, most having to do with pre-emptive federal jurisdictional authority.

Why repeal Chapters 9.22 of the Code of the City of Wichita?

As one example, Section 9.22.010 is a current City Code. Is there anything curious about this section of City code?

“Sec. 9.22.010. - Definitions.

For the purposes of these rules and regulations, the following words and phrases shall have the following meanings, respectively:

- (1) ‘Airport’ means the **Wichita Municipal Airport** and any other airport under the control and supervision of the **board of park commissioners of the city**.
 - (2) ‘Board’ means the **board of park commissioners of the city**.
 - (3) ‘City’ means the city of Wichita, Sedgwick County Kansas.
 - (4) ‘Director’ means the director of the board of park commissioners, as appointed by the board.
 - (5) ‘Airport manager’ means the manager of the Wichita Municipal Airport or his duly authorized representative.”
- The Airport’s name was changed to Wichita Mid-Continent Airport in 1973.
 - The Wichita Airport Authority was created in 1975.

Why create Section 9.35 of the Code of the City of Wichita?

- Current code is extremely outdated.
- Typical among airports our size and larger.
- Referenced the rules of approximately ½ dozen other similarly sized commercial airports in developing this proposed ordinance.
- It is intended to address those activities unique to the Airports, and does not overlap or duplicate other City codes or federal regulation. These proposed regulations are specific and unique to the Airports.
- The federal government, primarily through the FAA and TSA, impose on commercial air carrier airports a substantial quantity of regulations, directives and compulsory guidelines. The federal government delegates regulatory obligations to airport owners, who then must adopt local code as a means to enforce these federal obligations.

What is Section 9.35 intended to do?

- Intended to address those activities unique to the Airports, i.e. security, airfield operations, vehicle and equipment operations and safety, fueling and defueling, interference with aircraft operations, etc.
- Offers an intermediate enforcement mechanism other than suspension or revocation of airport I.D./access media, and other than violation of a lease agreement.
- Provides clear, consistent, and enforceable regulatory policies through the Municipal Code of the City of Wichita.

What is Section 9.35 NOT intended to do?

- Contain regulatory matter that is considered overlapping, redundant or duplicative of other City codes.
- Add new, burdensome, onerous, or politically sensitive regulations (that have not already existed).
- There should be no surprises in this document for tenant stakeholders or the public.
- Over regulate.
- This proposed ordinance does not contain comprehensive regulations for commercial ground transportation. The Airport's future commercial ground transportation rules and policies will work in conjunction with other City codes addressing ground transportation (currently under development).

Communications with our Tenant Partner Stakeholders

- In **September 2011**, the proposed draft ordinance was uploaded to the Airport website and a notice sent to all airport tenant stakeholders encouraging them to review and offer feedback on the draft.
- On **November 8, 2011**, an airport tenant/operator stakeholder meeting was held to receive comment from our tenant partners. To date we have received only minor comments from a single tenant. Following numerous solicitations, we have received no other comments, questions or concerns from any of our tenant partners/stakeholders.
- On **March 5, 2012**, airport staff presented this topic in detail to the Wichita Airport Advisory Board. On that date the Airport Advisory Board voted unanimously to recommend to the Wichita Airport Authority Board that this proposed draft ordinance be approved for adoption.

QUESTIONS?